

Appl. No. 10/767,599

Amdt. dated 02/09/2006

Reply to Office action dated: Dec 9, 2005 Mailed: Jan 12, 2006

REMARKS/ARGUMENTS

Rejection under 35 USC § 112 Second paragraph

Claim 1 has been changed such that the "variable power control ~~device~~" limitation is now described as a "variable power control mechanism" to provide antecedent support for "the variable power control mechanism".

Claims 5, 9 and 10 have been canceled to eliminate the claim rejection under 35 USC § 112.

Claim 17 has been amended to eliminate the claim rejection under 35 USC § 112 regarding (or other artwork designed for viewing).

Claims 11 and 18 have been amended to eliminate the claim rejection under 35 USC § 112 regarding (or other power supply that is capable of providing electrical power).

Obviousness (35 USC § 102)

The Office considers claims 15, 17, 18 and 19 rejected under 35 U.S.C. 102(b) as being anticipated by Watson, U.S. Patent 6,604,840. Claim 15 now includes the limitation that the frame structure now surrounds the edges of artwork or a picture. (emphasis added) Watson does not include that the frame surrounds the sign, nor does Watson disclose the use of the lighting with artwork or a picture. The frame in Watson only exists on the top of the sign and the sign is not artwork or a picture. The pending application further distinguishes itself from Watson because it provides at least one lighting element located on only one side of the artwork or picture while

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Watson provides a "plurality of light sources" (abstract). In item 6, of the examiner's reply, the examiner states "...located in front of the image to shine light onto the image/sign 8." but in Watson the word "image" is not present in the text. Watson is used to illuminate a street sign, road sign or name plate there is no disclosure to utilize Watson to illuminate artwork or a picture. In addition, Watson illuminates both sides of the street sign, road sign or name plate.

Obviousness (35 USC § 103)

The Office considers claims 1-9, 12-22 are rejected under 35 U.S.C. 103 as being unpatentable over Watson (US 6,604,840) in view of Sanders (US 6,568,109). The applicant disagrees based upon the changes made to claims 1, 8 and 15 and to claims 2-4, 6, 7, 11-14 and 16-22 by virtue of their dependence on independent claims 1, 8 and 15.

Independent claims 1, 8 and 15 now includes the limitation that the frame structure now surrounds the edges of artwork or a picture. (emphasis added) Watson does not include that the frame surrounds the sign, nor does Watson disclose the use of the lighting with artwork or a picture. The frame in Watson only exists on the top of the sign and the sign is not artwork or a picture. The pending application further distinguishes itself from Watson because it provides at least one lighting element located on only one side of the artwork or picture while Watson provides a "plurality of light sources" (abstract). In item 9, of the examiner's reply, the examiner states "...located in front of the image to shine light onto the image/sign 8."

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but in Watson the word "image" is not present in the text. Watson is used to illuminate a street sign, road sign or name plate there is no disclosure to utilize Watson to illuminate artwork or a picture. In addition, Watson illuminates both sides of the street sign, road sign or name plate.

In Sanders the ambient light sensor does not supplement the ambient light that is external to the housing. Sander does just the opposite. As the ambient light increases the intensity is increased as described in the disclosure (Col 3 Lines 55-58) and in independent claims 1 and 4. There is no disclosure in Sanders that the compensation for ambient light is to increase (supplement) the light intensity as the ambient light decreases.

The applicant further argues that Sanders is non-analogous art when compared to the claimed invention. This argument is based upon the fact that the illumination of Sanders is not directed at a framed image, the light intensity from Sanders becomes brighter when the ambient light is increased and the problem being solved by Sanders is to make the display brighter at higher ambient light levels while in the claimed invention the lighting is not required at higher ambient light levels. Sanders is directed at a numerical display and not at an illumination structure to provide light on artwork or a picture.

Claims 2-4, 6, 7, 11-14, 16, 18-26 are not obvious based upon the changes made to independent claims 1, 8, 15 and by virtue of their dependence on independent claims 1 and 8.

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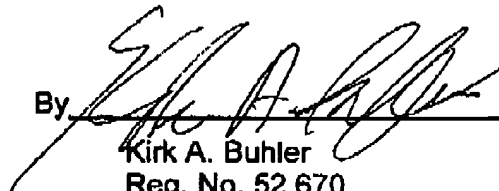
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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
BUHLER & ASSOCIATES

By



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